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22 August 1947

MEMORANDUM

FROM: Chief, Contact Branch

TO: Assistant Director for Operations

SUBJECT: Inviolability of Files, Request for Legal Opinion.

The activities of Contact Branch are based on the principle that a substantial number of reliable United States citizens are capable of supplying valuable foreign intelligence information which they may possess or which they may be in a position to obtain. Experience to date has proved that such citizens are willing to cooperate in supplying such information provided that they are not identified with the furnished information itself nor identified as suppliers of such information. In virtually every instance they insist that their cooperation must be anonymous.

In consideration of these circumstances a discreet, highly confidential relationship must exist between Contact Branch and its sources of information. Within Contact Branch the matter of source control has been given detailed attention and the wishes of our informants have received every consideration.

Within this intelligence organization, as a necessity of practical operation, records must be maintained in order to classify sources, coordinate activities in various geographical areas and evaluate useful and indifferent sources on the basis of reports submitted. Such records will eventually be voluminous. When scanned en masse they will give anyone having access to these records a fairly complete picture of Contact Branch operations and will disclose the extent to which those who are cooperating are furnishing information.

While we are continuing every effort to protect sources by procedures established to guard them within our own organization, the question of the inviolability of our files and records must be given consideration. Specific reference is made to the power of legislative or other groups to subpoena our records and to testimony that might have to

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be given under oath by employees within Contact Branch. Consideration must also be given to the obsolescence of the espionage act under which intent must be proved to find a man guilty.

With full consciousness of the ineffectiveness of the espionage laws, we are reducing the calculated risk in recruiting personnel by thoroughly checking prospective employees for security, by placing a premium on character, particularly in personnel for the field offices, and by indoctrinating field personnel in discreet behavior.

The primary question is the inviolability of files and records. The opinion of the General Counsel on this matter and on the problem of testimony that employees might be legally required to give is respectfully requested.


Chief, Contact Branch

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